

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DONALD K. MALONE, III, : Case No. 1:17-cv-50  
Plaintiff, :  
vs. : Judge Timothy S. Black  
RONALD ERDOS, *et al.*, : Magistrate Judge Stephanie K. Bowman  
Defendants. :

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATIONS  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 8)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on February 28, 2017, submitted a Report and Recommendation. (Doc. 8). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in their entirety.

Accordingly,

1. The Plaintiff's complaint (Doc. 1) is **DISMISSED** with **PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1); and

2. The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis*.
3. The Clerk shall enter judgment accordingly and this case is **TERMINATED** in this Court.

**IT IS SO ORDERED.**

Date: 5/3/17

  
Timothy S. Black  
United States District Judge